

ARTICLE APPEARED
ON PAGE B-2

NEW YORK TIMES
27 AUGUST 1981

Exhumation Delayed in Case Linked to the C.I.A.

By JOSEPH B. TREASTER

A state judge in Maine yesterday ordered a 24-hour delay in the exhumation of the body of Dennis McNell, the brother of two men whose charges of fraud led to the resignation of a high-ranking official of the Central Intelligence Agency in mid-July.

The judge, Justice Stephen L. Perkins of State Superior Court, said at a hearing in Portland that he was taking the action so that a lawyer representing Mr. McNell's mother and sister could express their objections to the exhumation order on Monday by Justice Donald G. Alexander of Superior Court.

Immediately after the hearing, John S. Whitman, the lawyer for the McNells, and an assistant state attorney, Pasquale Perrino, drove 60 miles from Portland to the state capital in Augusta, where Justice Alexander sits.

After some discussion, Justice Alexander continued the case until this morning at 9:30 A.M.

Dr. Elliot M. Gross, the Chief Medical Examiner in New York City, had requested that the body be exhumed from its grave in the resort town of Bridgton in southwestern Maine to determine whether Mr. McNell had suffered any injury "that might have resulted from a criminal act."

Mr. McNell collapsed and died on June 1 after jogging in his neighborhood in Queens. He reportedly resisted being taken to a hospital.

Dr. Gross said that Mr. McNell's attending physicians notified the Medical Examiner's office of "the potential of a ruptured spleen."

At the time of the death, Dr. Gross's office declined to do an autopsy. But later, when he asked for the exhumation, Dr. Gross said in a letter to John J. Santucci, the Queens District Attorney, that rupture of the spleen was "often the result of a criminal act."

Mr. McNell's brothers, Samuel F. McNell and Thomas R. McNell, have

not been heard from since mid-July when they accused Max C. Hugel, who was then the C.I.A.'s deputy chief of operations and in charge of the agency's covert operations and clandestine information gathering, of illegally supplying them with "insider" information about two companies in the early 1970's. At the time, the brothers were operating a small brokerage concern.